

OWYHEE INITIATIVE

Questions & Answers

What is the Owyhee Initiative (OI) and why is federal legislation needed?

The Owyhee Initiative (OI) is a consensus agreement reached by a number of national, regional, and local stakeholders to promote the ecological and economic health within Idaho's Owyhee County. The agreement was crafted by local ranchers, county representatives, conservationists, outfitters, the Shoshone-Paiute Tribe and others to address longstanding public lands issues in southwestern Idaho. The agreement addresses concerns ranging from regulation of off-road vehicles, permanent protection of wilderness study areas, recognition of a traditional ranching way of life, voluntary livestock grazing retirements, and preservation of tribal culture and values. While the OI agreement provides a framework for resolving these concerns, the Owyhee Initiative Implementation Act introduced by Sen. Crapo (R-ID) provides the necessary legal vehicle for implementing and enforcing the agreement.

Taken together, the OI agreement and OI Implementation Act achieves the following:

- Designation of 517,000 acres of wilderness, including 55,000 acres of wilderness that will not be grazed by livestock.
- Designation of 384 miles of Wild and Scenic Rivers.
- Closure of 200 miles of motorized trails in candidate wilderness areas and initiation of a travel planning process to establish a designated system of motorized routes for all public lands in Owyhee County.
- Better regulation and enforcement of indiscriminate and illegal ORV use in Owyhee County.
- Increased protections for Shoshone-Paiute cultural sites and resources.
- Initiating of a county process to abandon all of its RS 2477 road claims in designated wilderness.
- A commitment by those involved to seek support for research and conservation projects in Owyhee County
- Science review of data and information used in BLM decisions on livestock and other management issues by independent, balanced panel of experts.
- Opens closed roads across private land to provide better public access to public lands.
- Resolution of decades-old public lands conflicts that will allow groups to move forward and address other important issues.

What type of lands and rivers are protected by the OI Implementation Act?

The landscape within the wilderness proposal is diverse, ranging from river canyons over a thousand feet deep to vast expanses of sagebrush and grassland plateaus that provide habitat for sage grouse, pronghorn antelope, bighorn sheep, songbirds, raptors, and numerous rare plant species. More than 230,000 acres of lands proposed for wilderness are upland plateaus and 224,000 acres are classified as low or moderate hills. This high desert, sagebrush steppe habitat is not included in existing designated wilderness in Idaho and is generally underrepresented in the National Wilderness Preservation System.

The river canyons in Owyhee County have been called the largest concentration of sheer-walled volcanic rhyolite and basalt canyons in the western United States. Many of the canyons are more than 1000 feet deep, nearly twice as deep as the Washington Monument is tall. River enthusiasts come from around the country to challenge the famous white water rapids of these rivers.

Will the requirement for the BLM to “coordinate” implementation of this act with the Owyhee Initiative Board of Directors reduce public involvement in resource management issues in Owyhee County?

No. Nothing in this legislation will replace BLM’s current public participation process for natural resource management decision making. The Owyhee Initiative Board of Directors will have no authority to dictate land management actions to the BLM. The Board of Directors cannot circumvent established public participation processes established under FLPMA. The legislation specifically states that nothing in the Act shall diminish or otherwise affect laws or regulations for public participation.

The Board of Directors will not be appointed by Congress and will not be vested with any decision-making authority by the legislation. The Board of Directors is an organization with its own bylaws and structure. The goal of the Board of Directors is to formally continue the OI’s collaborative approach to problem solving that was started with the Owyhee Initiative. All the members of the Board of Directors believe that the process has offered a valuable forum to explore common solutions to public land management challenges.

Will the legislative direction for the BLM to coordinate with “science reviews” conducted by the Board of Directors slow down or interfere with BLM’s existing planning and decision-making process?

No. The goal of the science review is to provide the most up-to-date science regarding resource management issues. Information provided to the BLM will be advisory only, and not slow down BLM’s decision-making process. In fact, the legislation specifically states the agency “shall proceed with management actions in a timely manner in accordance with applicable laws and regulations.”

Any person affected by a grazing or other resource management decision of the BLM, including members of the ranching or conservation community, may send a written request to the Board of Directors for a science review. The Board will forward requests to the University of Idaho, which will select science experts from inside and outside the university to conduct the science reviews.

Does the legislation override existing federal procedures for conducting public-private land exchanges?

Landowners with wilderness-quality inholdings within the proposed wilderness areas would have the opportunity to sell or exchange their land for equal value federal lands. These federal lands will first be appraised and for the presence of significant resources like cultural sites. While this is not a new concept, the legislative provision is unique in that it would allow landowners to accept compensation upfront, or accept federal land pending a federal appraisal process.

Will the U.S. Air Force continue to train in the skies over the Owyhee-Bruneau Canyonlands?

Yes. Nothing in this legislation restricts or precludes the overflights or operations of military aircraft.

What is the overall price tag of the Owyhee Initiative?

Final numbers are still being calculated. The legislation will authorize funding for the following purposes: Wilderness and Wild and Scenic management, the travel plan process, Cultural Resource Program and enforcement, Land Exchange and Acquisitions, including retirement of livestock grazing in certain areas, and a Conservation Research Center.

Will Wilderness Study Areas will be released under the OI legislation?

Approximately 199,500 acres of BLM WSAs will be released. The greatest threat to wildlands in Owyhee County is escalating motorized recreation. While WSAs are intended to be managed to protect their wilderness character, WSA status has done little to limit motorized use as the BLM has not regulated or closed WSAs to motorized recreation. Consequently, WSAs in the Owyhee-Bruneau Canyonland region have hundreds of miles of illegal motorized routes carved within its boundaries, and use has become entrenched in many areas. Released BLM WSAs would be subject to standard release language, which Congress has repeatedly approved, and will be subject to all other environmental laws.

How are water rights addressed in regard to Wild and Scenic River and wilderness designations?

Water rights for the Wild and Scenic rivers will be reserved in accordance with the Wild and Scenic Rivers Act, the water laws of the State of Idaho, and the Owyhee Initiative Agreement.

The Owyhee Initiative Agreement limits the quantity of water that can be diverted from streams designated as wild, scenic, and recreational rivers. Cumulative future withdrawals are limited to 10 percent of the mean monthly flows for the high water months of March, April, May and June. No water can be diverted from ground or surface water sources from July to February unless the appropriation pre-dates Wild and Scenic River designation. The exception is diversion of .02 cfs or less for domestic or de minimis stock water purposes, as defined by Idaho law. These very small appropriations are primarily non-consumptive and are considered too minor to affect instream values. The Owyhee Initiative Agreement also prohibits future out-of-basin water transfers and on-stream water storage projects. The potential for future development is remote.

Unique to Idaho, the Idaho Supreme Court ruled that wilderness areas do not carry an implicit federal reserved water right.

What opportunity has there been for public input and comment?

In 2001, the Owyhee County Commissioners invited diverse stakeholder groups—ranchers, conservationists, county officials, and recreationists—to participate in the “Owyhee Initiative,” an effort to resolve longstanding public lands issues in the County through open dialogue, ground-truthing, and collaboration. The Owyhee Initiative group met regularly with the majority of the meetings open to the public. Issues were analyzed and debated until all stakeholders’ respective concerns were vetted and addressed. . There was extensive media coverage of the process informing regional, state, and national audiences of the Owyhee Initiative process.

On April 13, 2004, the Owyhee Initiative groups, along with Sen. Crapo, held a press conference to discuss its collaborative process and the emerging proposed. Sen. Crapo invited citizens to give him feedback on the draft proposal.

On April 20, 2004, the local Sierra Club hosted a public meeting in Boise to talk about the Owyhee Initiative and hear concerns from attendees.

In May 2004, Owyhee County held public meetings to discuss the Owyhee Initiative proposal and gather testimony from the local residents and other interested citizens. Advance notice was given and public meetings were held in Oreana on May 13, in Marsing on May 14, and in Bruneau on May 17. Testimony of local residents was largely favorable at these meetings and the County Commissioners came away feeling they had the local support necessary to move forward.

Representatives from the Owyhee Initiative held dozens of informal meetings and field trips throughout the County with permittees, affected landowners, and interested citizens. A number of other entities and interest groups were consulted including federal land management agencies, adjacent landowners, NOAA, the U.S. Air Force, Idaho Fish and Game Department, and Idaho State Department of Lands.

The OI website – www.owyheeinitiative.org – has been a source of public information, since 2003, with updated information on a regular basis.

How has the Owyhee Initiative responded to issues raised by the public?

Requests were made to expand the OI Board of Directors. As a result, five additional group representatives have been invited to join: Foundation for North American Wild Sheep; Owyhee Farm Bureau, Idaho Rivers United, Backcountry Horsemen of Idaho and Southern Idaho Desert Racing Association.

Retaining and improving public access to public lands was raised as an issue of critical importance. The OI was able to secure seven additional, permanent public access routes through private lands, and finalize agreements with other landowners through land exchanges, to establish a total of 13 permanent public access rights-of-way. Any public land exchanged with landowners will require continued public access.

How will the Owyhee Initiative Implementation Act impact access to public lands?

In addition to the 517,000 acres of Wilderness and over 384 miles of rivers as Wild and Scenic Rivers that will be protected in perpetuity for future generations, the legislation authorizes acquisition of seven public rights-of-way across private lands. These rights-of-way would

provide access to significant federal lands that were previously difficult to reach because they were surrounded by private parcels.

As mentioned above, the legislation directs the BLM to develop and implement transportation plans for public lands outside wilderness areas. The plans are to establish a system of designated roads and trails and limit motorized and mechanized vehicles to designated routes. Until the date that the BLM completes the transportation plans, all recreational motorized and mechanized vehicle use shall be limited to roads and trails in existence before the date of this act, i.e. cross-country travel is prohibited. The BLM is to complete a travel plan for the Owyhee Front not later than one year after passage of the act and not later than 3 years for the rest of Owyhee County.

Does the OI create new exemptions to the Wilderness Act?

No. The wilderness title of the OI includes provisions that have been approved by Republic and Democratic majority Congress' many times before on issues relating to grazing and wildlife management.

The legislation will state that subject to any regulations the BLM determines to be necessary, the BLM shall permit the continuation of outfitting and guiding in wilderness, and that designation alone shall not require the BLM to limit the conduct of outfitting activities or the use of the existing system of designated camps and allocated river launches.

It also states that nothing in the Act precludes horseback riding or recreational saddle stock use in the wilderness areas.

What benefits—economic and otherwise—does the OI offer the local community?

The OI enjoys wide spread support from the local community for a variety of reasons:

- Under the existing unmanaged recreation scenario in the Owyhee area, ORV users cross many of ranchers' lands illegally. The OI would provide more resources for monitoring and regulating ORV use, curtailing illegal ORV trespass.
- Designation of wilderness and wild and scenic rivers provides ranchers, the recreation community and the community at large more certainty regarding future land use decisions and tourism marketing.
- The Conservation and Research Center created under the legislation will initiate landscape-scale programs to review, recommend and coordinate landscape conservation and research projects. The Center could provide opportunity for jobs for the area, as well as important regional ecological data.
- Additional economic opportunities would be available through cooperative agreements with Owyhee County regarding search and rescue programs and the enforcement of transportation plans.

Is the OI a new model for dealing with federal land management issues in the west?

The collaborative process used to formulate the OI agreement could certainly serve as a model for addressing public lands issues in other states, but the OI agreement itself is not intended to be replicated. While the Initiative is a place-based agreement that worked successfully for

southwestern Idaho at this particular time, different regions are going to have different political, community, and economic dynamics.

What has become clear from the Owyhee collaborative process is that, even when dealing with some of the most polarized land management issues in recent western history, when diverse stakeholders are brought together as individuals, and listen to the needs and concerns of the others, real understanding and progress can be achieved.

For more information, visit www.OwyheeInitiative.org